

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA
AIKEN DIVISION

Vincent Frayer, Jr.,

Petitioner,

v.

United States of America,

Respondent.

Case No. 1:20-cv-02401-SAL

ORDER

This matter is before the court for review of the June 25, 2020 Report and Recommendation of United States Magistrate Shiva V. Hodges, made in accordance with 28 U.S.C. § 636(b)(1)(B) and Local Civil Rule 73.02(B)(2)(c) (D.S.C.) (“Report”). In the Report, the Magistrate Judge recommends the case be transferred to the United States District Court for the Southern District of West Virginia. [ECF No. 4.] Attached to the Report is a Notice of Right to File Objections. *Id.* No party filed objections to the Report, and the time for filing objections has lapsed.

The Magistrate Judge makes only a recommendation to this court. The recommendation has no presumptive weight, and the responsibility to make a final determination remains with this court. *See Mathews v. Weber*, 423 U.S. 261, 270–71 (1976). The court is charged with making a *de novo* determination of only those portions of the Report that have been specifically objected to, and the court may accept, reject, or modify the Report, in whole or in part. 28 U.S.C. § 636(b)(1). In the absence of objections, the court is not required to provide an explanation for adopting the Report and must “only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.” *Diamond v. Colonial Life & Acc. Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005) (citing Fed. R. Civ. P. 72 advisory committee’s note).

After a thorough review of the Report, the applicable law, and the record of this case in accordance with the above standard, the court finds no clear error, adopts the Report [ECF No. 4], and incorporates the Report by reference herein. Accordingly, this case is **TRANSFERRED** to the United States District Court for the Southern District of West Virginia.

IT IS SO ORDERED.

/s/ Sherri A. Lydon
United States District Judge

July 22, 2020
Florence, South Carolina